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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,601	10/17/2000	Malik Mamdani		2571

7590 07/25/2005
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EXAMINER

ABDI, KAMBIZ

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/690,601	Applicant(s) MAMDANI ET AL.	
	Examiner Kambiz Abdi	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 24-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 24-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9 May 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.

- Claims 1, 21, 22, 37, and 38 are amended.
- Claim 23 has been canceled.
- No new claim has been added.
- Claims 1-23 and 24-38 are considered.

2. Examiner withdraws rejection of claims under provisional obviousness-type double patenting rejection based on extensive amendments to the current application's claims presented hereunder.

Response to Amendment

3. Applicant's arguments filed 25 April 2005 with respect to claims 1-38 have been fully considered but they are not persuasive as well as they are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6, 10-15, 19-20, 22, 24-29 and 33-37

6. are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application

Publication No. US 2002/0004746 A1 to John B. Ferber et al. in view of U.S. Patent No. 6,496,809 to Brett Nakfoor.

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As per **Claims 1-4, 11-12 and 37**, Ferber et al disclose a method and system for facilitating a wireless transaction; said transaction involving a payment obligation on behalf of a requester and a fulfillment obligation on behalf of an entity offering a product or service to provide said product or service, comprising a transaction fulfillment system for:

- communicating a first transaction code to a wireless communication device, said code representative of a previously requested wireless transaction for a product or service, said wireless transaction requested by a transaction requestor (Figures 1 and 4; 0008; 0009; 0010; 0021; 0023; 0028; 0029; 0030);

- optically scanning, by a transaction fulfillment system, the first transaction code from a visual display of the wireless communication device in fulfillment of said wireless transaction for a product or service (0009; 0025; 0030); and

- triggering, by said transaction fulfillment system, a wireless transaction fulfillment event in response to optically scanning said first transaction code (0025; 0030)

Ferber et al fail to explicitly disclose the transaction requester has indicated an acceptance of an obligation to pay for said product or service; whereby said offering entity fulfills said obligation to provide said product or service and removes said product or service for which said obligation has been fulfilled from being, an available offering of said entity. However, Nakfoor clearly discloses the obligation to pay for the services and products by the transaction requester (See Nakfoor column 2, line 59-column 2, line 5, column 3, lines 30-50, and column 5, lines 21-48), and disclosing once the service or product has been rendered making a note of such delivery in the database of such status to prevent double usage such as a seat in a venue. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the disclosures of the above references to enhance control of the ticket as it is used as well as reduce the number of items, such as paper tickets by storing such information that appears on a ticket in an electronic mean and display in the same manner for the ease of handling and control.

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As per **Claims 13-14**, Ferber et al further disclose communicating the first transaction code from a radio transceiver of the transaction fulfillment system to a radio transceiver of the wireless communication device (Figures 1 and 4; 0008; 0009; 0010; 0021; 0023; 0028; 0029; 0030).

As per **Claims 6 and 10**, Ferber et al further disclose communicating a decoded representation of the first transaction code from the transaction fulfillment system to a transaction management system (0025; 0030).

As per **Claim 19**, Ferber et al further disclose receiving, by the transaction fulfillment system, a transaction request from the wireless communication device prior to communicating the first transaction code (0028; 0030).

As per **Claims 15 and 20**, Ferber et al further disclose wherein communicating the first transaction code includes communicating a first optically scannable transaction code (Figures 1 and 4; 0008; 0009; 0010; 0021; 0023; 0028; 0029; 0030).

As per **Claim 22**, Ferber et al disclose a method for facilitating a wireless transaction, said transaction involving a payment obligation on behalf of a requester and a fulfillment obligation on behalf of a provider to provide a product or service, comprising:

- receiving, by a transaction fulfillment system, a transaction request for a product or service from a transaction requester (0028; 0030);
- communicating a transaction code from the transaction fulfillment system to a wireless communication device, after verifying the identity of the transaction requestor, said code representative of said transaction requested (Figures 1 and 4; 0008; 0009; 0010; 0021; 0023; 0026-0030);

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- optically scanning, by the transaction fulfillment system, the transaction code from a visual display of the wireless communication device in fulfillment of said transaction for a product or service (0009; 0025; 0030); and
- triggering, by said transaction fulfillment system, a wireless transaction fulfillment event in response to optically scanning said first transaction code (0025; 0030).

Ferber et al fail to explicitly disclose the transaction requester has indicated an acceptance of an obligation to pay for said product or service; whereby said offering entity fulfills said obligation to provide said product or service and removes said product or service for which said obligation has been fulfilled from being, an available offering of said entity. However, Nakfoor clearly discloses the obligation to pay for the services and products by the transaction requester (See Nakfoor column 2, line 59-column 2, line 5, column 3, lines 30-50, and column 5, lines 21-48), and disclosing once the service or product has been rendered making a note of such delivery in the database of such status to prevent double usage such as a seat in a venue. Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine the disclosures of the above references to enhance control of the ticket as it is used as well as reduce the number of items, such as paper tickets by storing such information that appears on a ticket in an electronic mean and display in the same manner for the ease of handling and control.

As per Claims 24-25, Ferber et al further disclose wherein the transaction fulfillment system is coupled to a telecommunication network system through a computer network system for enabling communication with the wireless communication device (Figure 1).

As per Claims 26-28 and 36, Ferber et al further disclose wherein the transaction fulfillment system is coupled to a wireless data network system through a computer network system for enabling communication with the wireless communication device (Figure 1; 0021; 0022).

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As per **Claim 29**, Ferber et al further disclose a transaction management system coupled to the transaction fulfillment system and capable of verifying an identity of a transaction requestor (0026-0028).

As per **Claims 33-34**, Ferber et al further disclose a code scanning device such as a bar code reader for optically scanning the transaction code (0009; 0025).

As per **Claim 35**, Ferber et al further disclose decoding the transaction code in response to optically scanning the transaction code (0025; 0030).

7. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0004746 A1 to John B. Ferber et al. in view of U.S. Patent No. 6,496,809 to Brett Nakfoor as applied to claims 29 and 37 above, and further in view of U.S. Patent No. 5,590,038 to Pitroda.

As per **Claims 30-32**, Ferber et al fail to explicitly disclose verifying the identity of the transaction requestor through the use of a speech services module for audibly verifying the identity of the requestor by comparing voice prints. Examiner takes Official Notice that verifying the identity of a transaction requestor is notoriously well known in the business art. For example, Pitroda discloses an electronic transaction system and method for conducting electronic transactions and teaches a method for verifying the identity of a transaction requestor by displaying signatures of use of other types of identification such as photographs, finger prints or voice prints (Col. 12, lines 54-58). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Melick et al and verify the identity of the transaction requestor for obvious reasons such as ensuring that the requestor is actually the person they say they are and are authorized to carry out the transaction.

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6. Claims 5, 7-9, 16-18, 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. US 2002/0004746 A1 to John B. Ferber et al. in view of U.S. Patent No. 6,496,809 to Brett Nakfoor.

As per **Claim 5**, Ferber et al fail to explicitly disclose verifying the first transaction code in response to scanning the first transaction code, however, examiner submits that one having ordinary skill in the art at the time of applicant's invention would have recognized that this is a well known step when redeeming coupons. For example, at a minimum, an expiration date associated with the coupon code would have been verified.

As per **Claims 7-9, 16-18**, Ferber et al fail to explicitly disclose communicating a first or second fulfillment verification to the transaction management system or communicating a second transaction code to the wireless communication device. Examiner submits that communicating verification messages and multiple transaction codes in a transaction system would have been obvious to one having ordinary skill in the art at the time of applicants claimed invention. It also would have been obvious to one having ordinary skill in the art to communicate multiple transaction codes and multiple verification messages in any transaction system since it has been held that mere duplication of the essential working parts of a device or duplication of steps involves only routine skill in the art. See *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per **Claims 21 and 38**, Ferber et al disclose a method and system for facilitating a wireless transaction comprising a transaction fulfillment system for:

- receiving a transaction request from a transaction requestor (0010; 0028; 0029; 0030);
- optically scanning, by a transaction fulfillment system, a transaction code from a visual display of the wireless communication device, said code representative of said requested transaction (0009; 0025; 0030); and

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- enabling fulfillment of the transaction request in response to scanning the transaction code, including triggering at least one physical fulfillment event (0025; 0030).

Ferber et al, however, fail to explicitly disclose that the requested transaction is for admission to an event. However, Nikfoor clearly discloses that the system is directed for purchase and redemption of tickets to attend a venue (See Nikfoor column 2, line 59-column 2, line 5, column 3, lines 30-50, and column 5, lines 21-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention that the coupon disclosed by Ferber et al may have been used in a manner such as what is disclosed in Nikfoor for access to any type of product or service, including admission to an event, which Nikfoor is paper or electronic based and is scanned by the venue attendants.

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to **Kambiz Abdi** whose telephone number is **(571) 272-6702**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

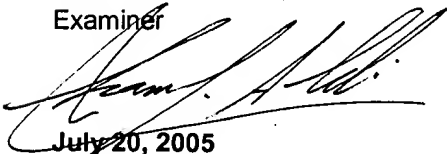
(571) 273-8300 [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6702 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the

Knox Building, 50 Dulany St. Alexandria, VA.

Kambiz Abdi
Examiner



July 20, 2005